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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 46/130 of 17 December 1991, on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly, inter alia, reaffirmed that it was the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation, and that any activities that attempted, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intended to sway the results of such processes, violated the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Also in that resolution, the Assembly strongly appealed to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country. The Assembly also called upon the Commission on Human Rights, at its forty-eighth session, to give priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the Assembly at its forty-seventh session, through the Economc and Social Council. Lastly, the Secretary-General was reqested to report to the General Assembly at its forty-seventh session on the implementation of that resolution, under the item entitled "Human rights questions".

2. The present report contains a summary of action taken by the Commission on Human Rights at its forty-eighth session pursuant to General Assembly resolution 46/130.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-EIGHTH SESSION

3. At its forty-eighth session, held from 27 January to 6 March 1992, the Commission on Human Rights considered, under various items of its agenda, a number of country situations which involved questions relating to the organization and holding of elections. Although no specific action to review the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, as requested by the General Assembly in its resolution 46/130, was taken by the Commission at that session, references were made, in a number of resolutions, to the issue of elections in the context of guaranteeing the free expression of the will of peoples and ensuring respect for national sovereignty and non-interference in the internal affairs of the States concerned.

4. In its resolutions 1992/5 of 21 February 1992 and 1992/68 of 4 March 1992 relating to the situation in Afghanistan, the Commission on Human Rights emphasized the need for an early start of the intra-Afghan dialogue for the establishment, through democratic procedures acceptable to the Afghan people, including free and fair elections, of a broad-based Government to ensure the broadest support and immediate participation of all segments of the Afghan people (resolution 1992/5, para. 8); and urged all parties concerned to increase their efforts in order to achieve a comprehensive political solution - which they recognize is the only way to bring about peace and the full restoration of human rights in Afghanistan - based on the points contained in the plan provided by the Secretary-General on 21 May 1991 regarding the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of hostilities and the creation of conditions that will permit the free return of refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans and also based on the Secretary-General's latest initiative contained in document A/46/577-S/23146 and Corr.1, which elaborated upon these points (resolution 1992/68, para. 4).

5. In its resolution 1992/19 of 28 February 1992, on the situation of human rights in South Africa, the Commission on Human Rights welcomed the convening of the Convention for a Democratic South Africa and the ongoing process, initiated by the Convention, to negotiate, inter alia, the principles and procedures for drafting a new constitution for South Africa and the establishment of a non-racial interim Government as a step towards a non-racial, democratic Government based on universal equal suffrage for a united South Africa (para. 11).

6. In its resolution 1992/69 of 4 March 1992, on the situation of human rights in Albania, the Commission on Human Rights emphasized the need to guarantee the free expression of the will of the electors in the forthcoming elections and, in particular, the right of all Albanian citizens to form their own political parties, to stand for election and to vote (para. 3).

7. Finally, in its resolution 1992/39 of 28 February 1992, on the strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity, the Commission on Human Rights made a more general statement, reiterating that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity (para. 1).